

REMARKS

The Office Action issued 07 April 2004 has been reviewed and the comments of the U.S. Patent and Trademark Office have been considered. Claims 19 and 21 have been amended. Accordingly, applicant requests reconsideration of the pending claims 19-21.

Applicants thank the Examiner for the clarification provided in the telephone interview conducted on June 22, 2004 in which the Examiner stated that the relied-upon prior art in the Office Action issued 07 April 2004 is U.S. Patent No. 5,544,816 to Nally *et al* instead of U.S. Patent No. 5,937,887 to Baxter *et al*.

Applicants respectfully notes that this application is properly a divisional application under 35 U.S.C. §121 based on the Restriction Requirement issued on 17 April 2003 in the prior application S.N. 09/750,336. For the Examiner's convenience, a copy of the Restriction Requirement is attached herewith.

Applicants respectfully notes that references, cited by applicants in the prior application S.N. 09/750,336 on which priority under 35 U.S.C. § 120 is claimed for this application, are not required to be furnished under 37 C.F.R. 1.98(d)(1) and (2). Accordingly, applicants respectfully request withdrawal of this requirement by the Examiner to furnish references previously cited in the prior application. Further, applicants respectfully request acknowledgement of the non-U.S. references previously cited on August 22, 2003. For the Examiner's convenience, a copy of the PTO-1449 listing these references is attached herewith.

Claim 20 has been objected for insufficient antecedent basis for the feature of "the at least one radial facing surface." Applicants respectfully note that there is sufficient antecedent basis for this phrase in claim 20, which states that the armature includes "at least one radial facing surface ..." Accordingly, applicants request withdrawal of this objection.

Claims 19 and 21 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,544,816 to Nally *et al* ("Nally") (based on the Examiner's telephone clarification of June 22, 2004). Claim 20 stands rejected under 35 U.S.C. § 103 as being unpatentable over Nally in view of U.S. Patent No. 5,895,026 to Linkner Jr., *et al* ("Linkner"). Applicants respectfully traverse the rejections because Nally or Linkner, whether considered alone or in combination therewith, fails to teach or suggest the claimed invention as a whole.

Nally or Linkner fails to show or describe a methodology or a fuel injector that utilizes a valve group subassembly and a coil group subassembly that are provided separately and secured together to form a fuel injector. Accordingly, claims 19-21 are patentable over Nally or Linkner for this reason alone.

Moreover, each of claims 19 and 21 recites a relationship between end faces of an inlet tube and an armature assembly of such modular fuel injector. In particular, each of the claims recites that an inlet face includes an inlet tube face; an armature assembly includes an armature face that confronts the inlet tube face across a working gap, and “at least one of the armature face and the inlet tube face having a first portion generally oblique to the longitudinal axis.” Support for this feature is provided in the originally filed application at, for example, Figures 2B and 2C.

In sharp contrast, Nally states, at col. 3: 40-57, that a small working gap 72 (Fig. 1) is provided between the end face of neck 68 of fuel inlet tube 12 and the confronting annular end face of armature 22. As shown in Figure 1 of Nally, the respective end faces of the inlet tube 12 and the armature 22 are generally perpendicular to a longitudinal axis extending through the fuel injector 10 of Nally. Because the respective end faces of the tube 12 and armature 22 of Nally are generally perpendicular instead of a first portion of such end faces generally “oblique” to the longitudinal axis, Nally fails to teach or suggest the claimed invention as a whole. Accordingly, claims 19 and 21 are patentable over Nally.

Notwithstanding the deficiencies of Nally, the Office Action relies upon the teaching of Linkner in view of Nally to render obvious dependent claim 20. Linkner, however, is silent as to any portion of any end faces confronting each other across a working gap being oblique to a longitudinal axis. As such, Linkner fails to cure the deficiencies of Nally. Accordingly, claim 20 is patentable over Nally and Linkner, whether considered alone or in combination therewith.

CONCLUSION

In view of the foregoing remarks, applicants respectfully request the reconsideration and reexamination of this application and allowance of the pending claims. Applicants respectfully invite the Examiner to contact the undersigned at (202) 739-5203 if there are any outstanding issues that can be resolved via a telephone conference.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted

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